

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA EVERITT PRUEITT,

Plaintiff,

v.

COLUMBIA RIVER MENTAL HEALTH
SERVICES,

Defendant.

CASE NO. 3:25-cv-05299-KKE-BAT

**ORDER DENYING MOTION FOR
COUNSEL**

On April 8, 2025, Plaintiff filed a § 1983 civil rights complaint. He now moves the Court to appoint counsel. Dkt.6. Plaintiff asks the Court to appoint counsel on the grounds he cannot afford to hire an attorney, his imprisonment limits his ability to litigate, he has limited access to a law library and no legal training, and his case is complex and will require significant research and investigation.

There is no general right to counsel in civil actions. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). The court may appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1), only in “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine if “exceptional circumstances” exist, the Court considers “the likelihood of success on the merits as well as the ability of the [plaintiff] to

1 articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v.*
2 *Look*, 718 F.2d 952, 954 (9th Cir.1983).

3 Here, the Court declined service of Plaintiff’s complaint because it was deficient. Thus, it
4 cannot be said Plaintiff currently has a high likelihood of successfully bringing a federal action.
5 Plaintiff’s lack of legal education and imprisonment are not exceptional or unusual
6 circumstances but rather common circumstances of plaintiff’s who are in jail. Plaintiff alleges he
7 was given the wrong dose of medication. The allegation is straightforward, not a factually or
8 legally complex and Plaintiff has shown the ability to articulate his claims. All incarcerated
9 individuals would benefit from appointed counsel and thus Plaintiff’s request for counsel does
10 not constitute exceptional circumstance.

11 The Court accordingly ORDERS:

- 12 1. Plaintiff’s motion for appointment of counsel (Dkt. 6) is **DENIED**.
13 2. The Clerk shall provide Plaintiff a copy of this order.

14 DATED this 17th day of April, 2025.

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17 BRIAN A. TSUCHIDA
18 United States Magistrate Judge
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